IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO.10581 OF 2004

Shri Anna Parbati Chavan. ...Petitioner.
Vs.
Shri Kondiba Nimbaji Chavan. ...
Respondent.

....

Mr. Dilip Bodake for the Petitioner.
Mr. L. S. Gaikwad for Respondent.

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CORAM : DR.D.Y.CHANDRACHUD, J.

May 4, 2005.

P.C.:

Perused the reasons that are contained in paragraph 6 of the impugned order of the Additional District Judge, Satara, on the basis of which he allowed an appeal against an interim order of the Trial Judge. From the order of the Additional District Judge, it emerges that the parties are co-sharers having purchased a parcel of land comprised of Block No.323. The boundaries of the land purchased by the Petitioner do not emerge clearly from the Sale Deed. At this stage when the suit is pending, the Additional District Judge, was justified in holding that a case for the grant of an injunction against a co-sharer was not made out. While dismissing

this petition, it is clarified that all the observations contained in the order passed by the Courts below and in the present order are confined to the disposal of the application for interim relief. The Trial Judge shall dispose of the suit without regarding itself to be bound by any expression of opinion in the aforesaid orders. The Trial Judge is requested to dispose of the suit by setting down a time schedule for early disposal. The Petition is accordingly disposed of.

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